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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,579

07/15/2005

Shigeo Ozawa

4495-078

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22429

7590

05/12/2006

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EXAMINER

ROBINSON, DANIEL LEON

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/509,579

Applicant(s)

OZAWA, SHIGEO

Examiner

Daniel L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Claim Objections***

Claims 7-9 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 7 depends from a multiple dependent claim 6. See MPEP § 608.01(n). Accordingly, the claims 7-9 have not been further treated on the merits.

Also claim 7 depends from itself.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim s 2 recites the limitation "said food" in line 8, twice. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendenhall (U.S.Pat.4,806,371) in view of Igota et al.(U.S.Pat.6,121,597). Mendenhall discloses a microwavable package for packaging combinations of products and

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ingredients that shows many or the features of the claimed invention but fails to show a polyolefin sheet with weak and strong adhesions. Igota discloses a packaging bag for use in a microwave oven that shows polyolefin weak and strong adhesions. It would be obvious at the time of the claimed invention to use weak and strong polyolefin adhesions so as to cause de-laminations at different temperature and pressures.

Claims 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendenhall in view of Igota as applied to claim 1 above, and further in view of Japan 11-334770. Mendenhall in view of Igota fails to disclose a rim. Japan 11-334770 discloses a microwaveable package that shows a rim. It would have been obvious to one of ordinary skill to use a rimmed package so as to provide an adhesion location.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendenhall in view of Igota and Japan 11-334770 as applied to claim 2, 3 and 5 above, and further in view of Grindrod (U.S.Pat.5,345,069). Mendenhall in view of Igota and Japan 11-334770 does not show a box. Grindrod discloses a box shaped microwaveable container. It would have been obvious to use a box shape so as to have a container to fit hotdogs.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendenhall in view of Igota and Japan 11-334770 as applied to claims 2, 3 and 5 above, and further in view of Martel et al.(U.S.Pat.4,166,208). Mendenhall in view of Igota and Japan 11-334770 does not show seasoning in a cover. Martel discloses a corn popper with butter dispenser that shows butter in a cover portion. It would have been obvious to use seasoning in a cover because the seasoning can be heated with the foods.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baker, Savage, Kilgore, Miller, and Babu are cited to show structure similar to the claimed invention.

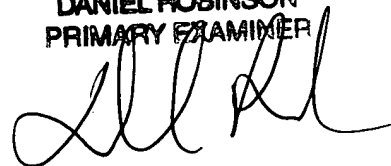
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Robinson whose telephone number is 571-272-4788. The examiner can normally be reached on m-f 5:30-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**DANIEL ROBINSON**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'DR', is written over the printed name and title of the examiner.

dlr